

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6091 OF 2000

STATE BANK OF INDORE

.....APPELLANT(S)

VERSUS

STATE OF M.P. & ORS

....RESPONDENT(S)

With  
CIVIL APPEAL NO.6092 OF 2000  
CIVIL APPEAL NO.6093 OF 2000

O R D E R

These appeals arise out of a common judgment passed in F.A.Nos.247/95, 72/97 and 150/97.

We have heard Mr.A.K.Chitale, learned senior counsel appearing on behalf of the appellant and Dr.N.M.Ghatate, learned senior counsel appearing on behalf of the respondents.

After going through the impugned judgment we find that the High Court by way of interim order has issued the following directions :-

"Be that as it may and considering overall circumstances, we deem it proper to release 1.05 crores, which is said to be principal amount borrowed, out of the total amount deposited by the Government pursuant to the Court's order, to the Respondent Bank and allow its application to that extent, subject to the Bank executing undertaking/guarantee that in case appellant succeeds in the appeal and was not found liable to discharge the liability of the borrower, it shall refund the amount released alongwith interest at decretal rate. Remaining amount lying in deposit with the Nazir shall be returned to the Government through its authorize authority.

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Appeal be processed for hearing."

A bare perusal of this order would show that the appellant was allowed to release 1.05 crores, which was said to be principal amount borrowed on executing undertaking/guarantee that in case the appellant(State of Madhya Pradesh) before the High Court was not found liable to discharge the liability of the borrower, it shall refund the amount released alongwith interest at decretal rate. Remaining



STATE BANK OF INDORE

Appellant (s)

VERSUS

STATE OF M.P. & ORS

Respondent(s)

(With office report )

WITH Civil Appeal NO. 6092 of 2000

(With office report)

Civil Appeal NO. 6093 of 2000

(With office report)

Date: 10/10/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE

HON'BLE MR. JUSTICE P. SATHASIVAM

For Appellant(s)

Mr.A.K.Chitale, Sr.Adv.  
Mr. Niraj Sharma,Adv.

For Respondent(s)

Dr.N.M.Ghatate, Sr.Adv.  
Mr. C.D. Singh,Adv.  
Mr.Merusagar Samantaray, Adv.  
Mr.Vairagya Vardhan, Adv.  
Mr.Sunny Chowdhary, Adv.

UPON hearing counsel the Court made the following  
ORDER

The appeals are disposed of in terms of the signed order.

There shall be no order as to costs.

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( Satish K.Yadav )  
Court Master

( Phoolan Wati Arora )  
Court Master

( Signed Order is placed on the file )